



General Assembly

February Session, 2016

Raised Bill No. 134

LCO No. 1223



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING SEVERE MENTAL AND EMOTIONAL
IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury that may be definitely located as to the time when
6 and the place where the accident occurred, an injury to an employee
7 that is causally connected with the employee's employment and is the
8 direct result of repetitive trauma or repetitive acts incident to such
9 employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee that results from the employee's
12 voluntary participation in any activity the major purpose of which is
13 social or recreational, including, but not limited to, athletic events,

14 parties and picnics, whether or not the employer pays some or all of
15 the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment (I)
17 arises from a physical injury or occupational disease, (II) in the case of
18 a police officer, arises from such police officer's use of deadly force or
19 subjection to deadly force in the line of duty, regardless of whether
20 such police officer is physically injured, provided such police officer is
21 the subject of an attempt by another person to cause such police officer
22 serious physical injury or death through the use of deadly force, and
23 such police officer reasonably believes such police officer to be the
24 subject of such an attempt, [or] (III) in the case of a firefighter, is
25 diagnosed as post-traumatic stress disorder by a licensed and board
26 certified mental health professional, determined by such professional
27 to be originating from the firefighter witnessing the death of another
28 firefighter while engaged in the line of duty and not subject to any
29 other exclusion in this section, or (IV) in the case of any police officer,
30 firefighter or ambulance worker, is diagnosed by a psychiatrist
31 licensed pursuant to chapter 370 or a psychologist licensed pursuant to
32 chapter 383, and determined by such psychiatrist or psychologist to be
33 originating from the police officer, firefighter or ambulance worker
34 visually witnessing the death or maiming, or visually witnessing the
35 immediate aftermath of such death or maiming, of one or more human
36 beings, whose death or maiming was caused by an act of another
37 human being, and which is not the result of some natural cause,
38 provided such death or maiming is not the result of a motor vehicle
39 collision and the visual witnessing of such death or maiming, or the
40 visual witnessing of the aftermath of such death or maiming, was
41 causally connected with the police officer's, firefighter's or ambulance
42 worker's employment. As used in this clause, "police officer" means a
43 member of the Division of State Police within the Department of
44 Emergency Services and Public Protection, an organized local police
45 department or a municipal constabulary, "firefighter" means a
46 uniformed member of a municipal paid or volunteer fire department,

47 and "in the line of duty" means any action that a police officer or
48 firefighter is obligated or authorized by law, rule, regulation or written
49 condition of employment service to perform, or for which the police
50 officer or firefighter is compensated by the public entity such officer
51 serves, "maiming" means the loss of any member or organ, and
52 "immediate aftermath" means the scene at which such death or
53 maiming occurred for a period of time not to exceed six hours after
54 such scene is secured by law enforcement officers;

55 (iii) A mental or emotional impairment that results from a personnel
56 action, including, but not limited to, a transfer, promotion, demotion
57 or termination; or

58 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
59 subdivision, "personal injury" or "injury" includes injuries to
60 employees of local or regional boards of education resulting from
61 participation in a school-sponsored activity but does not include any
62 injury incurred while going to or from such activity. As used in this
63 clause, "school-sponsored activity" means any activity sponsored,
64 recognized or authorized by a board of education and includes
65 activities conducted on or off school property and "participation"
66 means acting as a chaperone, advisor, supervisor or instructor at the
67 request of an administrator with supervisory authority over the
68 employee.

69 Sec. 2. (NEW) (*Effective from passage*) Not later than October 1, 2016,
70 the state shall purchase a workers' compensation insurance policy to
71 provide coverage for any claims for workers' compensation benefits
72 made pursuant to subparagraph (B)(ii)(IV) of subdivision (16) of
73 section 31-275 of the general statutes, as amended by this act.

74 Sec. 3. Section 31-294h of the general statutes is repealed. (*Effective*
75 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-275(16)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	Repealer section

Statement of Purpose:

To expand workers' compensation coverage to individuals suffering from a severe mental or emotional impairment as a direct result of witnessing the death or maiming of another human being whose death or maiming was caused by an act of violence of another human being.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]